

Alabama Security Regulatory Board



Functional Analysis & Records Disposition Authority

**Approved by the
State Records Commission
April 23, 2014**

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Functional and Organizational Analysis of the Alabama Security Regulatory Board

Sources of Information

- Representatives of the Alabama Security Regulatory Board
- Code of Alabama 1975 § 34-27C-1 to § 34-27C-18
- Alabama Administrative Code Chapter 832-X-1
- Website, Alabama Security Regulatory Board
- 2009 Alabama Legislative Summary

Historical Context

The Alabama Security Regulatory Board was created in 2009 with the passage of Act 2009-640 (HB60). The board was established to provide for the “certification and regulation of security officers” (2009 summary). All security officers, security companies, and certified trainers who wish to work or execute contracts within the state of Alabama, must hold a valid security license issued by the Alabama Security Regulatory Board.

Agency Organization

The board is comprised of five members. The Governor shall appoint two members, who are to be residents of the state but not eligible to be licensed by the Alabama Security Regulatory Board. One member shall be appointed by the Lieutenant Governor and shall be a representative of the consumers at large, be a resident of the state, a citizen of the United States, and not have been employed in the contract security services. The Speaker of the House of Representatives shall appoint a member from “an entity that employs, or has an employer-employee relationship with, a contract security company” (Code of Alabama 1975 § 34-27C-2). The fifth member of the board shall reside in the state and be selected from a register of names submitted by the Alabama Sheriff’s Association by the Attorney General. Each member shall serve a three-year term.

The board shall elect one member to serve as the chair. It shall meet quarterly at a place to be determined by the chair. In accordance with the Code of Alabama 1975 § 34-27C-3, the board may “employ or contract for necessary personnel, including a director, pursuant to the state Merit System, provided such persons are employed by the board on a full-time basis exceeding 32 hours per calendar week, and provide for necessary offices, supplies, and equipment to fulfill the requirements of this chapter.” The board contracts with Warren & Co. to administer its business on a daily basis.

Agency Function and Subfunctions

The mandated function of the Alabama Security Regulatory Board is to enforce all provisions of the law regulating, certifying, and licensing security officers. It is one of the agencies primarily involved in carrying out the regulatory function of Alabama government.

In the performance of its mandated functions, the office may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The Code of Alabama 1975 § 34-27C-3 authorizes the board to issue regulations, applications, licenses, renewals, and forms for the administration and enforcement of the law regarding security officers. These laws must not conflict with any other laws of the state and must be considered “reasonable, proper, and necessary to carry out the functions of the board.” This subfunction includes all activities relating to the development of rules, regulations, and procedures of licensure, as well as producing a register of administrative rules.
- **Licensing.** The Code of Alabama 1975 § 34-27C-3 authorizes the board to screen and examine applicants for licensure as security officers. As of May 21, 2009, all security guards, armed security guards, and contract security companies who provide private security within the state, must apply for licensure by the board. Each security officer employed by a contract security company must also be licensed. Newly hired security officers must apply for a license within 30 days of initial employment (Code of Alabama 1975 § 34-27C-7).

The board retains the right to make all final decisions regarding the suitability of an applicant and will provide prompt notification of all final decisions. Each license issued by the board is valid for a period of two years. Additionally, the board shall make all final decisions regarding the revocation or suspension of a license for any violation of the Code of Alabama 1975 Title 34 Chapter 27C or administrative rules passed by the board. This subfunction encompasses the screening of the applicant’s qualifications, and issues licenses to applicants who meet the qualifications for licensure as security officers in Alabama.

Licensure Files: There are two classifications of licenses overseen by the Security Regulatory Board: individual, including both armed and unarmed officers; and contract security company, encompassing companies providing security services to businesses, governments, and private entities. The files also contain any receipts related to initial or renewal licensing. Please note the following requirements:

Individual Licensing: To be licensed as an individual, each applicant shall submit an application, including personal information, working name, business partners or managers, three character references, and proof as requested by the board; as well as a nonrefundable fee of \$25. Per the Code of Alabama 1975 § 34-27C-4, each applicant must be at least 21 years of age to carry a firearm, or 18 years of age to serve as an unarmed officer. Applicants must be citizens of the United States or resident aliens;

free from conviction of any felony or crime involving moral turpitude for which a full pardon was not given; have not been declared incompetent by a court of law; or suffering from habitual drunkenness or narcotics addiction or dependence (Code of Alabama 1975 § 34-27C-4).

The applicant shall submit an application for certification or renewal including name, date of birth, social security number, two complete sets of fingerprints, and a signed statement committing to a background check. Each application shall be sent to the Alabama Department of Public Safety, which conducts a background investigation of the applicant. Security officers who have submitted a renewal application may still serve in their positions of employment while their renewal applications are being processed. Security officers who are to serve in armed posts must obtain a pistol permit from the sheriff of the county of his or her residence.

Each licensed security officer is required to complete at least eight hours of relevant training with a board-certified trainer. Training topics may include crowd control, fire safety, and detention procedures. In addition, individuals seeking a license as an armed security officer must also “initially complete four hours of board approved firearms safety training and annually complete two hours of board approved firearms refresher training” (Code of Alabama 1975 § 34-27C-8).

Exemptions from the basic or armed security officer training requirements may be given to any security officer, armed or otherwise, who has completed training through a board-approved military, government, or security training institute within the last three years; any person who is employed as a sworn peace officer; or any person with a minimum of five years of continuous experience as a security officer or armed security officer (Code of Alabama 1975 § 34-27C-8).

Contract Security Company Licensing: Contract security companies must employ a qualifying individual at all times to obtain a security license issued by the board. A qualifying individual is defined as someone who is able to successfully obtain an individual security officer license; or prove at least three years of previous experience in a management position with a contract security company or government law enforcement agency. If the qualifying employee leaves the company, a 30-day grace period will be given to find a replacement before the license is suspended.

Each security company applying for licensure or renewal shall pay a fee of \$200 to the board, with the understanding that \$100 shall be refunded should the application be denied or not be renewed. Licenses are valid from October 1 to September 30, with no renewal application being accepted after October 31.

Trainer Files: Per the Code of Alabama 1975 § 34-27C-9, the Security Regulatory Board shall certify trainers to provide classes to security officers obtaining and renewing licenses. There are two types of trainers; Certified Trainer 1 and Certified Trainer 2. To qualify as a trainer, an individual must be at least 21 years of age, have a minimum of two years of supervisory security officer experience, and have a

minimum of one-year teaching security-related courses or have attended a two-week instructor's course. A Certified Trainer 1 is not permitted to teach training courses involving firearms; however, a Certified Trainer 2 may do so after providing proof of Law Enforcement Firearm Instructor Certification. Licensure fees are \$100 for a Certified Trainer 1 and \$200 for a Certified Trainer 2.

- **Enforcing.** In order to maintain a high standard of integrity in the field of security, the board is authorized to establish and implement procedures for the investigation of complaints against licensed security officers and for the conduct of hearings in which complaints are heard. The board may suspend, revoke, or refuse to issue or renew any license upon finding that the licensee or applicant is in violation of any part of the Code of Alabama 1975 Title 34 Chapter 27C; rules of the board; or any federal, state, or municipal law. Violations of these terms shall result also result in a fine of no less than \$75 but no more than \$2,000.

The board is authorized to conduct investigations, hearings, and proceedings concerning alleged violations of its rules and regulations. Upon receiving a complaint, the board may make a further investigation of the matters referred to in the complaint; request that all of the parties concerned appear at an informal hearing about the complaint; or begin proceedings to suspend or revoke a security officer's license, as provided by law. The board is obligated, upon receipt of written complaints, to investigate all consumer complaints concerning licensed security officers. The board's special investigators investigate the complaint to determine if there is probable cause for disciplinary or enforcement proceedings. The board may enter into informal settlements with the violator or may take formal disciplinary actions, including a hearing if necessary. If a licensee has committed fraud or deceit in obtaining a license or has committed gross negligence, incompetence, or misconduct in the practice of security, the board may then suspend or revoke the license and/or impose an administrative fine. If an individual is found guilty, they may be prohibited from obtaining future licenses.

- **Administering Internal Operations.** A significant portion of the board's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Board: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities include budgeting, collection of fees, accounting for the expenditure, encumbrance, disbursement, and other financial records are handled by the Department of Finance. All purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received) is completed by the Office of the Comptroller. An annual budget is

sent to the Department of Finance. All fees associated with licensing are paid to the Board and are accounted for in a financial database.

Managing Human Resources: All personnel activities are managed by Warren & Co. No records relating to Human Resources were appraised.

Analysis of Record Keeping System and Records Appraisal of the Alabama Security Regulatory Board

Agency Record Keeping System

The Alabama Security Regulatory Board operates a hybrid record keeping system composed of paper and electronic records.

Paper-based System: Most of the board's records are created and maintained in paper form.

Computer System: A security guard/officer database (register) was built by the Alabama Department of Finance, Information Services Division (ISD). It is maintained by the board and contains information such as licensee's name, contact information, license issue date, and status of the license. The database is used to store all information required to manage the following business processes performed by the board:

- 1) Licensing – Processing all license applications, including the issuance of licenses and the denial and rejection of applications, and the enforcement of the statute against security officers who are not licensed as required.
- 2) Compliance – Enforcing compliance with the board's governing statute and administrative rules and regulations.
- 3) Administration – Processing of licensure and renewal payments, fees, and fines paid to the board.

The board maintains a website at <http://www.asrb.alabama.gov/>.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Security Regulatory Board: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met. Examples of temporary records created by the Alabama Security Regulatory Board are as follows.

- **Licensure Files.** Included in these records are documents relating to the application, screening, and licensure of applicants, both individual security officers and contract security companies. Files can include initial application, results of background investigation, and information relating to any disciplinary action taken against the individual or company. Licensure Files also include information about license renewals. Per the Code of Alabama 1975 § 34-27C-4, individual security officers and contract

security companies must apply for license renewal every two years. The recommended retention for these records is five years after the license has become inactive.

- **Trainer Files.** Per the Code of Alabama 1975 § 34-27C-8, all security personnel are required to undergo initial and ongoing board approved training courses. Files shall be maintained to document the individuals who are licensed by the board to teach these training courses. Files may include trainer application, proof of prerequisite experience or coursework, course schedule, and disciplinary action. The recommended retention period is five years after the trainer has become inactive.
- **Investigation Files of Complaints and Violations.** The Alabama Administrative Code Chapter 832-X-1 provides that the board shall carry out investigations of complaints and violations of the terms of licensing. Investigations will include inspections of licensee's compliance with federal, state, local, and board laws; review of personnel and training records; and an examination of any security company documentation. These files are restricted from public access because they may include notes, investigation results, complaints lodged, details of violation, and background information on the security officer, certified trainer, or contract security company. The recommended retention is to retain five years after the license has become inactive.
- **Probable Cause Hearing and Disciplinary Files.** The Alabama Administrative Code Chapter 832-X-1 provides that the board shall carry out hearings and provide discipline to security officers, certified trainers, or contract security companies that have violated the terms of licensing. The files may include notes and minutes of hearings; disciplinary forms, and formal decisions regarding the suspension of a license. The recommended retention is to retain five years after the license has become inactive.

II. Permanent Records. The Government Services Division recommends the following records as permanent, either to be retained in the creating agency or transferred to the Alabama Department of Archives and History (ADAH).

Promulgating Rules and Regulations

- **Meeting Agendas, Minutes, and Packets.** This series documents decisions and actions including the approval or denial of licenses. These records provide important documentation of the board's actions that may not be found elsewhere. Official meeting minutes are approved by the board at their quarterly meetings. **(Bibliographic Title: Meeting Agendas, Minutes, and Packets)**

Licensing

- **Roster of Licensees.** This information is maintained in the Security Officer Licensee database. Information on the roster includes the individual security officer or contract security company name, armed/unarmed status, and renewal and continuing education information. This roster is maintained at Warren & Co., Montgomery, Alabama. An

annual snapshot of the roster should be taken by the agency for permanent retention.
(Bibliographic Title: Roster of Licensees)

Administering Internal Operations

- **Annual Reports.** The Code of Alabama 1975 § 41-19-11 mandates that each state agency submit a quarterly performance report (EBO Form No. 10) to the Department of Finance every quarter. This series documents activities, statistics, and initiatives of the board each year. These records provide important documentation of the board's activities and progression. The 4th Quarter report shall serve as the annual report to the board.
(Bibliographic Title: State Publications)
- **Board Appointment Letters.** Per the Code of Alabama 1975 § 34-27C-2, two of the board's members are appointed by the governor, one by the lieutenant governor, one by the Speaker of the House of Representatives, and one by the Attorney General. The letters appointing board members to their posts are signed by the governor. These letters are maintained at Warren & Co. (Bibliographic Title: Board Appointment Letters)
- **Publications.** In accordance with the Code of Alabama 1975 § 41-9-544(9), the authority may "publish or contract for the publication of brochures, books, and periodicals intended for the general public that are promotional, informational, or educational about the buildings, contents, and grounds of the complex." There are presently no publications, however, all such future publications should be preserved as part of the State Publication Collection. (Bibliographic Title: State Publications)
- **Website and Social Media.** The board maintains a website at www.asrb.alabama.gov. Information on the website includes board news; names and contact information of board members; governing law in the Code of Alabama 1975 Title 34 Chapter 27C; list of board support staff; meeting minutes; application and complaint forms; board rules and regulations; and board meeting schedule. The website should be preserved as it serves as an important medium for communication with the public. (Bibliographic Title: Website and Social Media)

Permanent Records List

Alabama Security Regulatory Board

Promulgating Rules and Regulations

1. Meeting Agendas, Minutes, and Packets

Licensing

1. Roster of Licensees

Administering Internal Operations

1. Annual Reports
2. Board Appointment Letters*
3. Publications
4. Website and Social Media

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency.

ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Alabama Security Regulatory Board Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Services Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Security Regulatory Board. The RDA lists records created and maintained by the Alabama Security Regulatory Board in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Services Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA shall govern the disposition of all records, regardless of format, created by the agency from its creation to dissolution.
- This RDA supersedes any previous records disposition schedules and/or RDAs governing the retention of records of the Alabama Security Regulatory Board. Copies of superseded schedules and/or RDAs are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and

have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by sub-functions of the Alabama Security Regulatory Board and lists the groups of records created and/or maintain by the office as a result of activities and transactions performed in carrying out these subfunctions. The office may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular meetings.

Promulgating Rules and Regulations

MEETING AGENDAS, MINUTES, AND PACKETS

Disposition: PERMANENT RECORD.

Meeting Recordings or Notes

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

REGISTER OF ADMINISTRATIVE RULES

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 41-22-6).

Licensing

ROSTER OF LICENSEES (LICENSURE DATABASE)

Disposition: PERMANENT RECORD. Transfer annual snapshots to the Archives.

Licensure Files (including renewal applications)

Disposition: Temporary Record. Retain 5 years after license has become inactive.

Trainer Files

Disposition: Temporary Record. Retain 5 years after trainer becomes inactive.

Enforcing

Investigation Files of Complaints and Violations.

Disposition: Temporary Record. Retain 5 years after license has become inactive.

Probable Cause Hearing and Disciplinary Files.

Disposition: Temporary Record. Retain 5 years after license has become inactive.

Administering Internal Operations: Managing the Agency**ANNUAL REPORTS**

Disposition: PERMANENT RECORD.

BOARD APPOINTMENT LETTERS

Disposition: PERMANENT RECORD. Retain in office.

PUBLICATIONS

Disposition: PERMANENT RECORD.

WEBSITE AND SOCIAL MEDIA

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserves the agency's website via a service offered by the Internet Archive [Archive It]. Check with ADAH website at www.archive-it.org/organizations/62 to ensure your agency website and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Government Services Division at 334-242-4452 to get them included.)

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Logs/Indexes/Control Listings

- a. LOGS/INDEXES/CONTROL LISTINGS ASSOCIATED WITH PERMANENT RECORDS

Disposition: PERMANENT RECORD. Transfer them along with permanent records to the Archives at the end of the gubernatorial term.

- b. Logs/Indexes/Listings/Control Listings Not Associated with Permanent Records

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's RDA (copies of transmittals forms to Archives or State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

System Documentation (hardware/software manuals and diskettes, warranties)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which former hardware and software no longer exists anywhere in the agency and all permanent records have migrated to a new system.

Administering Internal Operations: Managing Finances**Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry such as journals, registers, and ledgers, and records of funds deposited outside the state treasury

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Contractual records established for the purpose of services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$15,000

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.

- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

Requirements and Recommendations for Implementing the Records Disposition Authority (RDA)

Requirements

Under the Code of Alabama 1975 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama Security Regulatory Board (hereafter referred to as the agency) as stipulated in the document.

One condition of this authorization is that the agency submits an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction to the State Record Commission in April of each year.

Recommendations

In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring the permanent records held on alternative storage media (such as microfilms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. A draft document may be discarded once the use or need for the draft is concluded. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice, litigation hold, or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

- Electronic mail contain permanent, temporary, or transitory record information, Although e-mail records can be printed out, filed, and retained according to the RDA's requirements, the division should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.
- The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records in the custody of the agency and inspect records destruction documentation. Government Services Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this Records Disposition Authority on April 23, 2014.

Steve Murray, Chairman
State Records Commission

Date

Receipt acknowledged:

Burke Swearengin, Chairman
Alabama Security Regulatory Board

Date